

14:48:34 1 referring to?

14:48:35 2 THE WITNESS: Yeah. I understand

14:48:36 3 the time frame.

7 4 MS. ELLIOTT: I don't.

14:48:38 5 MR. SIGEL: Okay. Between January

14:48:39 6 of 2000 and May of 2001.

14:48:41 7 MS. ELLIOTT: Okay.

14:48:49 8 A. Let's see. There was a reduction

14:48:52 9 of -- I want to make sure I'm -- there was a

14:48:56 10 reduction of the unit manager, Todd, and --

14:49:00 11 prior to that, I believe. Again, I'm not sure

14:49:07 12 about all the -- you know --

14:49:11 13 Q. Todd Darling?

14:49:12 14 A. Todd Darling, yeah. I'm not sure

14:49:15 15 about all the other -- again, there might have

14:49:17 16 been some finance or data processing or inside

14:49:22 17 sales that I'm not aware. I mean, I suspect

14:49:24 18 there were, but I don't really know.

14:49:29 19 Q. Did you have any involvement in any

14:49:31 20 of the decision regarding layoffs that occurred

14:49:34 21 after January of 2000?

14:49:36 22 A. No.

14:49:44 23 Q. Were you asked for your input

14:49:46 24 regarding any of those layoffs?

22

14:49:50 1 A. After?

14:49:52 2 Q. Yes. After January of 2000.

14:49:53 3 A. No.

14:49:57 4 Q. So you had no input into the

14:50:03 5 decision to lay Mr. -- lay off Mr. Alberghini

14:50:06 6 in May of 2001?

14:50:08 7 A. No.

14:50:08 8 Q. Did you have any knowledge of the

14:50:10 9 reasons for his layoff in May of 2001?

14:50:15 10 A. No.

14:50:26 11 Q. In your opinion, were the layoffs

14:50:30 12 which occurred after January of 2000 and prior

14:50:32 13 to your leaving the company based on legitimate

14:50:38 14 reasons?

14:50:40 15 A. I don't have a comment on that.

14:50:43 16 Q. So you can't say either way?

14:50:46 17 A. Legitimate is kind of a value

14:50:48 18 judgment. Company had embarked on some

14:50:54 19 downsizing, so be it. It's not important

14:51:05 20 whether I thought it was correct or legitimate.

14:51:08 21 Q. Well, did you agree with their

14:51:11 22 decisions regarding downsizing?

14:51:13 23 MS. ELLIOTT: Which time frame are

14:51:13 24 you referring to?

14:51:14 1 Q. Any time after January of 2000 until

14:51:19 2 you left.

14:51:21 3 A. Agree? No. I can accept it. I

14:51:28 4 mean, again, this is a -- you know, a corporate

14:51:32 5 decision to downsize or right size the

14:51:37 6 organization.

14:51:37 7 Q. Do you know who the decision-makers

14:51:40 8 were regarding all of those layoffs?

14:51:43 9 A. I would assume it was held at the --

14:51:46 10 you know, the highest levels of the

14:51:48 11 corporation, Mr. Martino and Mr. Botticello.

14:51:52 12 You know, perhaps some involvement from Ilda.

14:51:55 13 I'm really not sure.

14:51:56 14 Q. But you don't know for sure.

14:51:58 15 A. No.

14:51:58 16 Q. Or the reasons that those

14:52:01 17 individuals were selected for layoffs?

14:52:04 18 MS. ELLIOTT: Which individuals are

14:52:05 19 you referring to?

14:52:06 20 MR. SIGEL: Again the time period is

14:52:08 21 people laid off after January of 2000 and prior

14:52:11 22 to the time you left the company.

14:52:12 23 A. The closest thing I ever heard to an

14:52:15 24 explanation about Alberghini, Brown, and Baker,

24

14:52:20 1 was at an impromptu meeting that Chip Holm, who

14:52:26 2 was now the vice president of manufacturing,

14:52:28 3 called, I believe, that -- the afternoon or the

14:52:30 4 very next morning after the three were let go.

14:52:36 5 And -- where he, number one I think it was a

14:52:39 6 courtesy to let the remaining staff know, you

14:52:42 7 know, before that -- maybe before the shop

14:52:45 8 floor knew, basically said that these three

14:52:48 9 people would be no longer with us.

14:52:49 10 He started to embark on an

14:52:54 11 explanation, but I think he came to the

14:52:58 12 conclusion that the less said, the better. I

14:53:00 13 mean, that's the way I interpreted it and we --

14:53:04 14 so -- I'd be hard-pressed to call it an

14:53:07 15 explanation. He basically said, you know,

14:53:10 16 "Lou, Barry, and Bill are no longer with us.

14:53:14 17 The engineering department now consists of

14:53:16 18 whoever is left," and that was pretty much it.

14:53:20 19 Q. Okay. Now, you were involved with

14:53:30 20 the reorganization and reduction in force which

14:53:32 21 occurred in January of 2000, right?

14:53:34 22 A. Yes.

14:53:34 23 Q. Do you have any personal knowledge

14:53:36 24 that Simonds intentionally discriminated on the



14:53:38 1 basis of age in doing those layoffs?

14:53:40 2 A. In 2000?

14:53:42 3 Q. Correct.

14:53:44 4 A. No.

14:53:45 5 Q. Do you have any personal knowledge

14:53:47 6 that the company discriminated against anyone

14:53:49 7 on the basis of age regarding any layoffs after

14:53:53 8 January of 2000?

14:53:54 9 A. No.

14:53:55 10 Q. Do you feel generally that the

14:54:05 11 layoffs, including January 2000 and those after

14:54:08 12 during your employment, were -- and I'm using

14:54:12 13 your words now -- painful but necessary?

14:54:17 14 A. Painful, yes. Necessary to achieve

14:54:21 15 the stated cost reduction goals. So yes.

14:54:28 16 Q. I want to show you a document and

14:54:33 17 I'm going to show you an original, what I

14:54:35 18 believe to be an original, Mr. Jordan, and ask

14:54:38 19 you to take a look at this.

14:54:39 20 A. Uh-huh (affirmative response).

14:54:40 21 Q. I'm going to mark it as Exhibit 1 to

14:54:42 22 your deposition today.

14:54:44 23 (Exhibit No. 1, Recap of termination

14:54:44 24 meetings; so marked.)

26

14:54:44 1 Q. Have you had a chance to review this

14:55:18 2 document?

14:55:30 3 A. Yes.

14:55:31 4 Q. Do you recognize it?

14:55:32 5 A. Yeah.

14:55:32 6 Q. What do you recognize it to be?

14:55:35 7 A. A recap of the termination meetings

14:55:40 8 with Mr. Alberghini, Mr. Larson, and

14:55:44 9 Mr. Bourque on January 7th of 2000.

14:55:49 10 Q. Is that your signature at the bottom

14:55:51 11 of the document?

14:55:51 12 A. Yes.

14:55:51 13 Q. Is that your original signature?

14:55:54 14 A. Yeah, I -- I think so. Yes.

14:56:00 15 Q. And did you write that document

14:56:09 16 yourself?

14:56:10 17 A. Yes.

14:56:12 18 Q. And did you sign it on January 10th,

14:56:14 19 2000?

14:56:15 20 A. Yes.

14:56:18 21 Q. Did you prepare it on January 10th,

14:56:18 22 2000?

14:56:19 23 A. Somewhere between the 7th and the

14:56:21 24 10th.

14:56:21 1 Q. Okay. And --

14:56:25 2 A. Wouldn't have been the 7th.

14:56:27 3 Probably the 10th, yeah.

14:56:28 4 Q. Okay. And are the statements

14:56:29 5 contained in that document true to the best of

14:56:32 6 your knowledge?

14:56:34 7 A. Yes.

14:56:34 8 Q. Why did you prepare that document?

14:56:43 9 A. I can't actually recall.

14:56:48 10 Documentation. Documentation of the

14:56:50 11 proceedings of the 7th.

14:56:51 12 Q. Was it your practice to document

14:56:56 13 exit interviews that you were involved with?

14:56:58 14 A. I'm going to say no. Maybe more

14:57:06 15 accurately, I don't know. It was the first --

14:57:11 16 it was the first such letter that -- memo to

14:57:13 17 file that I'd been involved in.

14:57:15 18 Q. Okay. But you don't remember why

14:57:17 19 you prepared it?

14:57:18 20 A. Why I prepared it? I assume someone

14:57:21 21 asked for, you know, document the events of the

14:57:25 22 7th and, you know, try to explain yourself and

14:57:31 23 Ilda's role and briefly recap the proceedings.

14:57:36 24 Q. I apologize if I asked you this

28

14:57:37 1 already, but is it your understanding that the

14:57:40 2 layoffs that affected employees in -- at

14:57:44 3 Simonds in January of 2000, were there layoffs

14:57:49 4 at that time in any other facilities that

14:57:51 5 you're aware of?

14:57:56 6 A. I'd strongly suspect there were

14:57:58 7 given that, you know, the layoffs were -- at

14:58:03 8 least in the Fitchburg facility were the result

14:58:05 9 of, you know, some strenuous, you know,

14:58:09 10 budgeting cost reduction efforts. I can only

14:58:11 11 assume it was going on at every plant. So I'm

14:58:14 12 going to say yes, but I'd be hard-pressed to,

14:58:16 13 you know, give names.

14:58:17 14 Q. Okay. If I could just direct your

14:58:21 15 attention to the third sentence in that first

14:58:25 16 paragraph.

14:58:27 17 A. Yeah.

14:58:27 18 Q. And ask if you could just explain

14:58:33 19 that, what you meant by that sentence.

14:58:35 20 A. The one that starts with "I

14:58:37 21 briefly"?

14:58:37 22 Q. Correct.

14:58:41 23 A. That the -- yeah. There was a

14:58:47 24 reorganization for cost control, and part of



15:03:41 **1 A. Well, I mean, I'm sure there must**  
 15:03:45 **2 have been some emergency situations whereby one**  
 15:03:48 **3 of the remaining engineers might have been**  
 15:04:00 **4 asked to contribute.**  
 15:04:01 **5 Q. And is it your memory that**  
 15:03:54 **6 Mr. Alberghini assumed any of his duties when**  
 15:03:56 **7 Mr. Alberghini was rehired by the company?**  
 15:04:03 **8 A. Specifically? The -- part of the**  
 15:04:11 **9 reorganization was that the -- that wood**  
 15:04:16 **10 products group would no longer have an assigned**  
 15:04:19 **11 engineer. So it was kind of back into having a**  
 15:04:22 **12 pool of manufacturing engineers, project**  
 15:04:27 **13 engineers, that could be assigned by the**  
 15:04:28 **14 engineering manager as needed.**  
 15:04:30 **15 Q. Okay. Prior to Mr. Alberghini being**  
 15:04:41 **16 rehired -- and the company did rehire him for a**  
 15:04:47 **17 project manager position?**  
 15:04:49 **18 A. Project engineer, yes.**  
 15:04:50 **19 Q. I'm sorry.**  
 15:04:51 **20 A. Yes.**  
 15:04:52 **21 Q. Project engineer position.**  
 15:04:54 **22 A. Yes.**  
 15:04:55 **23 Q. Do you recall anyone at the company**  
 15:04:59 **24 having -- prior to that time -- having the**

34

15:05:01 **1 title project engineer?**  
 15:05:05 **2 A. I don't know. I mean, it was an**  
 15:05:11 **3 existing job description, so it would -- it was**  
 15:05:15 **4 either vacant or one or two or three of the**  
 15:05:20 **5 engineering staff was in a project engineering**  
 15:05:23 **6 position. But I wouldn't know for sure.**  
 15:05:33 **7 Q. Did Mr. Larson express an interest**  
 15:05:36 **8 in any of those positions that you mentioned or**  
 15:05:38 **9 that Ilda mentioned?**  
 15:05:40 **10 A. I'm going to say no.**  
 15:05:42 **11 Q. How about Mr. Bourque?**  
 15:05:45 **12 A. Jim gave some consideration to**  
 15:05:49 **13 inside sales where he had some background, you**  
 15:05:54 **14 know, 15, 20 years prior. But it didn't seem**  
 15:06:01 **15 to get a real strong consideration. It was**  
 15:06:03 **16 quite a salary reduction, if I recall.**  
 15:06:07 **17 Q. What do you remember, if anything,**  
 15:06:10 **18 Mr. Alberghini saying to you and Ilda during**  
 15:06:13 **19 that meeting? I'm talking about the exit**  
 15:06:20 **20 interview meeting in January of 2000.**  
 15:06:22 **21 A. Nothing -- I don't remember anything**  
 15:06:22 **22 of any of the three meetings.**  
 15:06:24 **23 Q. Okay.**  
 15:06:24 **24 A. Other than glad they were over.**

15:06:28 **1 Q. Do you remember you were --**  
 15:06:32 **2 A. I mean in terms of conversation**  
 15:06:33 **3 or --**  
 15:06:33 **4 Q. I understand.**  
 15:06:35 **5 A. -- remarks, no, I don't.**  
 15:06:37 **6 Q. Okay. Do you remember Ilda or you**  
 15:06:39 **7 giving Mr. Alberghini the severance agreement**  
 15:06:43 **8 at that time?**  
 15:06:43 **9 A. I believe Ilda did.**  
 15:06:44 **10 Q. Do you remember whether he signed**  
 15:06:46 **11 any severance agreement at that time?**  
 15:06:51 **12 A. I don't remember. I mean, one of**  
 15:06:54 **13 the reasons for the meeting was to, A, you**  
 15:06:58 **14 know, do the termination, but for Ilda to get**  
 15:07:03 **15 the paperwork and the documentation started.**  
 15:07:07 **16 I'd have to say I believe he signed.**  
 15:07:10 **17 Q. Did Mr. Alberghini, to your**  
 15:07:10 **18 knowledge, receive any severance pay as a**  
 15:07:12 **19 result of the January 2000 layoff?**  
 15:07:17 **20 A. He only missed a week of work, to**  
 15:07:19 **21 the best of my recollection. So I believe he**  
 15:07:25 **22 was back in the engineering position something**  
 15:07:29 **23 like one or two weeks later. So --**  
 15:07:32 **24 Q. Okay.**

36

15:07:32 **1 A. -- I -- given that it might have**  
 15:07:36 **2 been a monthly payroll, I'm going to say**  
 15:07:41 **3 probably -- maybe a small prorated stipend.**  
 15:07:45 **4 But probably not much. I mean, it was really**  
 15:07:48 **5 only about a week or two gap between the 7th**  
 15:07:51 **6 and his rehire date.**  
 15:07:53 **7 Q. Okay. So you don't know whether he**  
 15:07:55 **8 received any -- he was receiving any severance**  
 15:07:58 **9 pay during the time he was re-employed.**  
 15:08:03 **10 A. While re-employed?**  
 15:08:04 **11 Q. Correct.**  
 15:08:04 **12 A. No. That wouldn't have been company**  
 15:08:06 **13 policy, I don't believe.**  
 15:08:07 **14 Q. Okay. But you don't have personal**  
 15:08:14 **15 knowledge of that.**  
 15:08:15 **16 A. No.**  
 15:08:20 **17 MR. SIGEL: Actually, could we take**  
 15:08:22 **18 a five-minute break?**  
 15:08:22 **19 (A brief recess was taken and**  
 15:08:51 **20 Mr. Felper did not return.)**  
 15:14:18 **21 MR. SIGEL: Back on the record.**  
 15:14:20 **22 Q. Mr. Jordan, did you have anything to**  
 15:14:23 **23 do with Mr. Alberghini's rehiring by the**  
 15:14:27 **24 company?**



15:34:19 1 engineer?

15:34:19 2 A. Yes.

15:34:19 3 Q. How is it different?

15:34:24 4 A. It's probably less in the machine design side of it and more in the operation side, costing, quoting, job evaluations, job descriptions, incentive systems. But, you also need to be proficient enough to go to the shop floor and make improvements to equipments and processes. So I functioned as a manufacturing engineer.

15:34:44 12 Q. What's the difference between a chemical engineer and a mechanical engineer?

15:34:46 13 A. Oh, I did -- again, if you're a chemical engineer in a process industry, you probably get your -- you know, you probably get your hands dirty working on the process. That could be tantamount to saying a metallurgist. I mean, the metallurgists at Simonds get involved in what I consider manufacturing engineering because they know the metallurgical sides of the situation. Therefore, they can have a fair amount of input in machine design and machine installation from that viewpoint.

54

15:35:26 1 Q. Is it important to have a background in material science to do metallurgical work?

15:35:28 2 A. It's critical.

15:35:33 3 Q. Critical.

15:35:34 4 A. Yeah.

15:35:39 6 Q. What's the difference between a mechanical engineer and project engineer? At least as project engineer was used at Simonds.

15:35:59 9 A. I think they are very comparable.

15:36:03 10 Q. Could you be a -- strike that. When you say someone's a mechanical engineer, doesn't that generally -- isn't it generally understood that they have a degree in mechanical engineering?

15:36:16 15 MS. ELLIOTT: Objection.

15:36:19 16 A. Simonds has had non-degreed mechanical engineers.

15:36:24 18 Q. Okay. And how about a chemical engineer? Any understanding that -- what is your understanding as to what the qualifications are to be a chemical engineer?

15:36:39 22 A. Probably because I have -- I don't have a lot of experience in it, but I -- again I expect that would be a degreed position more

15:36:46 1 often than not.

15:36:47 2 Q. And how about being a mechanical engineer? Is that a degreed position more often than not in your experience?

15:36:52 4 A. More often than not.

15:36:55 6 Q. And is it advantageous to have a mechanical engineering degree in order to be a manufacturing engineer?

15:37:00 8 A. Can't hurt, yeah. It's -- yes, it would be advantageous.

15:37:05 10 Q. And how about to be a product engineer as that term was used at Simonds, if you know what that phrase means. Same question.

15:37:16 14 A. The question being would it be advantage --

15:37:18 16 Q. Correct. Would it be advantageous to have a mechanical engineering degree?

15:37:22 19 A. Yes.

15:37:29 20 Q. Mr. Alberghini wasn't responsible for designing products during his employment up to January of 2000, was he, to your knowledge?

15:37:34 22 A. No.

15:37:37 23 Q. And how about after January of 2000?

56

15:37:44 1 A. I don't know.

15:38:01 2 Q. At some point in time you said that he was -- actually for approximately a ten-year period Mr. Alberghini was in what position? I think you said from '91 to 2000.

15:38:14 5 A. Maintenance manager.

15:38:16 6 Q. Who reported to him in that position? Do you know?

15:38:22 9 A. He had one direct report, Cary Mansfield, maintenance foreman.

15:38:26 10 Q. And what did Mr. Mansfield do?

15:38:32 12 A. Well, he was basically the next step down. He would have been the direct supervisor of the crafts group, the trades and crafts group. Doing, you know, typical foreman things: Setting priorities, providing some expertise and some direction to the work force, getting involved with administering plant rules, safety, the like.

15:39:01 19 There was also a -- he wasn't a Simonds employee, but there was also a housekeeping supervisor that was provided by an off-site cleaning service which was essentially a -- he wasn't on the Simonds payroll, but he



15:39:20 1 **was a full-time housekeeping supervisor who**  
 15:39:32 2 **had, you know, reported to Lou, if you will.**  
 15:39:44 3 **Q. Do you know when Mr. Alberghini**  
 7 4 **became or obtained a degree in electrical**  
 15:40:03 5 **engineering?**  
 15:39:58 6 **A. I'm going to say 1998. But I'm not**  
 15:40:03 7 **sure. I know he obtained it as an adult.**  
 15:40:16 8 **Q. What's the difference between a**  
 15:40:19 9 **mechanical engineer and an electrical engineer?**  
 15:40:22 10 **MS. ELLIOTT: Objection.**  
 15:40:26 11 **A. Well, the primary focus of an**  
 15:40:28 12 **electrical engineer would be to understand, you**  
 15:40:31 13 **know, all types of electrical concepts and**  
 15:40:37 14 **related machinery including design electrical**  
 15:40:41 15 **controls and electrification of equipment.**  
 15:40:46 16 **Mechanical engineer would be more on the**  
 15:40:49 17 **hardware side, you know, tooling and machine**  
 15:40:55 18 **design.**  
 15:41:09 19 **Q. Did you refer to manufacturing**  
 15:41:15 20 **engineers as product engineers and vice versa**  
 15:41:18 21 **while you were at Simonds?**  
 15:41:20 22 **A. Yes.**  
 15:41:22 23 **Q. So those were used interchangeably?**  
 15:41:24 24 **A. I would say so. Product engineers**

58

15:41:27 1 **being a relatively new term and --**  
 15:41:36 2 **Q. When you say relatively new, what do**  
 15:41:38 3 **you mean?**  
 15:41:39 4 **A. I recall seeing a job description**  
 15:41:40 5 **that was created in May of 2001 and, you know,**  
 15:41:47 6 **I left the company in September, so -- but**  
 15:41:53 7 **yeah, I think they were interchangeable.**  
 15:42:03 8 **Q. Was it your understanding that when**  
 15:42:06 9 **Mr. Alberghini was rehired for the project**  
 15:42:08 10 **engineer position, that that was a demotion or**  
 15:42:10 11 **just a position change?**  
 15:42:19 12 **A. I don't consider it a demotion given**  
 15:42:25 13 **that there was a -- you know, there was a gap**  
 15:42:28 14 **of service and it was a rehire. I mean**  
 15:42:35 15 **clearly, you know, tantamount to my own**  
 15:42:38 16 **situation, there was certainly less**  
 15:42:39 17 **responsibilities at the manager level.**  
 15:42:45 18 **Q. Less responsibilities as a project**  
 15:42:47 19 **engineer.**  
 15:42:52 20 **A. Compared to a -- someone on the**  
 15:42:55 21 **senior staff, yeah. In terms of, you know,**  
 15:42:58 22 **overall business goals, labor negotiations,**  
 15:42:59 23 **budgeting, and the like.**  
 15:42:59 24 **Q. Okay. Was Mr. Alberghini involved**

15:43:01 1 **in labor negotiations?**  
 15:43:02 2 **A. Yes.**  
 15:43:03 3 **Q. At what point?**  
 15:43:07 4 **A. I believe he attended every**  
 15:43:10 5 **negotiation between '91 and '97. I believe he**  
 15:43:21 6 **would have been at the '91, the '94, and the**  
 15:43:24 7 **'97 negotiations if I recall.**  
 15:43:25 8 **Q. And in his position as maintenance**  
 15:43:29 9 **manager, he had a number of union employees who**  
 15:43:33 10 **reported to him? Is that true?**  
 15:43:34 11 **A. Well, through his foreman, yeah, he**  
 15:43:37 12 **probably had 30, 40 indirect people -- hourly**  
 15:43:43 13 **people, yeah.**  
 15:43:44 14 **Q. And by the way, he didn't -- there**  
 15:43:46 15 **was no reduction in Mr. Alberghini's pay or**  
 15:43:49 16 **benefits to your knowledge when he was rehired,**  
 15:43:51 17 **right?**  
 15:43:52 18 **A. I believe we offered him the same**  
 15:43:55 19 **salary.**  
 15:43:55 20 **Q. Do you know who Tom Szocik is?**  
 15:43:58 21 **A. Sure.**  
 15:43:58 22 **Q. Who is he?**  
 15:44:00 23 **A. Tom is the -- was the facilities**  
 15:44:02 24 **manager at Simonds.**

60

15:44:03 1 **Q. When was he the facilities manager?**  
 15:44:07 2 **A. From -- I'm not sure the actual**  
 15:44:19 3 **date. Probably from '98 or '99 he was promoted**  
 15:44:26 4 **to facilities manager.**  
 15:44:27 5 **Q. What was he before that?**  
 15:44:30 6 **A. It was a position in the engineering**  
 15:44:35 7 **department. I'm not even sure of the title.**  
 15:44:37 8 **At one time it was called plant layout -- plant**  
 15:44:42 9 **layout and services. I think that was the**  
 15:44:46 10 **title.**  
 15:44:48 11 **Q. And how long, if you know, did**  
 15:44:51 12 **Mr. Szocik retain the facilities manager**  
 15:44:53 13 **position?**  
 15:44:54 14 **A. Until his layoff several weeks ago.**  
 15:45:00 15 **Q. So you're talking about --**  
 15:45:02 16 **A. 2005.**  
 15:45:04 17 **Q. Okay. And how do you know that?**  
 15:45:11 18 **A. Personal contact.**  
 15:45:12 19 **Q. With Mr. Szocik?**  
 15:45:13 20 **A. Yeah.**  
 15:45:14 21 **Q. Did he tell you why he was laid off?**  
 15:45:19 22 **A. No. Position was eliminated.**  
 15:45:25 23 **Q. That facilities manager position was**  
 15:45:28 24 **eliminated?**



15:50:34 1 quality of his job performance?  
 15:50:42 2 A. **No. No, not really. I mean, I**  
 15:50:50 3 **assume it was acceptable.**  
 15:50:54 4 Q. You said that you know that he had a  
 15:50:55 5 mechanical engineering degree?  
 15:50:56 6 A. **I knew he was a Worcester Tech grad.**  
 15:50:58 7 **I wasn't sure about the degree.**  
 15:50:59 8 Q. Okay. Do you know about any of his  
 15:51:10 9 other qualifications?  
 15:51:14 10 A. **I know he was functioning as a kind**  
 15:51:20 11 **of a backup to the plant metallurgist who**  
 15:51:24 12 **was --**  
 15:51:24 13 Q. Is that Ernie?  
 15:51:26 14 A. **Yeah, Ernie. He was pondering**  
 15:51:30 15 **retirement. So I think he was trying to pick**  
 15:51:32 16 **up some of the process metallurgy aspects of**  
 15:51:39 17 **it.**  
 15:51:39 18 Q. Did you -- strike that. Do you know  
 15:51:42 19 whether Mr. Dexter had any education in  
 15:51:48 20 material science?  
 15:51:48 21 A. **I don't know.**  
 15:51:50 22 Q. But as you've testified before, you  
 15:51:52 23 thought that that would be critical to doing  
 15:51:55 24 metallurgical work?

66

15:51:55 1 A. **Yes.**  
 15:52:03 2 Q. And was Mr. -- and it's Evancic?  
 15:52:14 3 A. **Yeah.**  
 15:52:15 4 Q. Ernie Evancic?  
 15:52:16 5 A. **Yeah.**  
 15:52:16 6 Q. Was he still at Simonds when you  
 15:52:18 7 left the company in September of 2001?  
 15:52:24 8 A. **At least part-time. So yes. He was**  
 15:52:26 9 **still there.**  
 15:52:30 10 Q. Do you have any knowledge of the  
 15:52:31 11 quality of his job performance?  
 15:52:32 12 A. **Well, Ernie was one of the -- in the**  
 15:52:37 13 **group that I managed, one of the things that we**  
 15:52:39 14 **did from time to time need to call on was**  
 15:52:45 15 **metallurgical advice. And his performance was**  
 15:52:48 16 **outstanding.**  
 15:52:49 17 Q. And he wasn't laid off at any time,  
 15:52:51 18 right?  
 15:52:51 19 A. **I don't believe so, no.**  
 15:52:59 20 Q. Do you have any knowledge as to why  
 15:53:05 21 the company retained Mr. Evancic?  
 15:53:05 22 A. **He was the primary and only resource**  
 15:53:11 23 **of metallurgical knowledge that is very**  
 15:53:11 24 **critical to the Simonds product.**

15:53:17 1 Q. And do you know whether the company  
 15:53:19 2 valued his expertise?  
 15:53:21 3 A. **I certainly did. I believe he was**  
 15:53:24 4 **well regarded. He was certainly well regarded**  
 15:53:27 5 **by the manufacturing people.**  
 15:53:29 6 Q. Do you know Peter Duperry?  
 15:53:31 7 A. **Not really. I -- we overlapped for**  
 15:53:37 8 **a pretty short time.**  
 15:53:41 9 Q. Do you know what job he was hired to  
 15:53:43 10 do?  
 15:53:44 11 A. **One of the engineering positions. I**  
 15:53:47 12 **don't think we ever even spoke.**  
 15:53:48 13 Q. Do you have any knowledge of his  
 15:53:50 14 educational background?  
 15:53:51 15 A. **I think he was a Worcester Tech**  
 15:53:54 16 **grad, but I'm not -- that's just on hearsay.**  
 15:53:56 17 Q. Okay. Did you ever work with him at  
 15:53:58 18 all?  
 15:53:58 19 A. **No.**  
 15:53:59 20 Q. Did you ever work with Mr. Duperry  
 15:54:02 21 at all on any project -- I'm sorry, Mr. Dexter  
 15:54:05 22 on any projects? I misspoke.  
 15:54:08 23 A. **On a project? No. I don't -- no.**  
 15:54:15 24 **I'm going to say no.**

68

15:54:16 1 Q. Do you know what Mr. Duperry's  
 15:54:23 2 duties were for the company?  
 15:54:24 3 A. **Not exactly, no.**  
 15:54:30 4 Q. So with respect to Mr. Dexter,  
 15:54:34 5 Mr. Duperry, do you have any personal knowledge  
 15:54:36 6 of their qualifications to do their respective  
 15:54:39 7 jobs?  
 15:54:47 8 A. **Not beyond the fact that they**  
 15:54:50 9 **presumably held engineering degrees from**  
 15:54:54 10 **Worcester Tech.**  
 15:54:55 11 Q. Did you see those as valuable  
 15:54:58 12 qualifications to have in those positions?  
 15:54:59 13 A. **Oh, sure, yeah.**  
 15:55:09 14 Q. Do you know a gentleman by the name  
 15:55:10 15 of Salvatore Santoro?  
 15:55:15 16 A. **Yes.**  
 15:55:15 17 Q. Who is he?  
 15:55:18 18 A. **He was hired as, I believe, quality**  
 15:55:22 19 **control manager.**  
 15:55:27 20 Q. Do you know if he was hired into  
 15:55:29 21 that position originally?  
 15:55:32 22 A. **I believe so.**  
 15:55:35 23 Q. Was he in the engineering group?  
 15:55:42 24 A. **I'm not sure about the reporting**



16:20:32 **1 I didn't need anywhere near the amount of**  
 16:20:35 **2 engineering support as the other group.**  
 16:20:36 **3 Q. Okay. Were you involved at all from**  
 16:20:44 **4 that time on in any kind of engineering**  
 16:20:44 **5 meetings or meetings regarding the engineering**  
 16:20:44 **6 department?**

16:20:44 **7 MS. ELLIOTT: Which time?**

16:20:46 **8 MR. SIGEL: From January of 2001 on.**

16:20:50 **9 A. Yes, with the acquisition that I**  
 16:20:53 **10 mentioned. To bring the Anderson product line**  
 16:20:59 **11 from Worcester to Fitchburg, there were**  
 16:21:02 **12 numerous meetings with engineering, marketing,**  
 16:21:05 **13 and operations people to do a fairly**  
 16:21:06 **14 significant project. So I was the project**  
 16:21:10 **15 leader and worked with the engineering group to**  
 16:21:13 **16 do the installation.**

16:21:14 **17 Q. Okay.**

16:21:19 **18 A. Because that was probably the last,**  
 16:21:22 **19 you know, real direct -- most direct**  
 16:21:24 **20 involvement that I had prior to my leaving.**

16:21:27 **21 Q. When was that?**

16:21:34 **22 A. I think we embarked on the**  
 16:21:37 **23 acquisition in -- somewhere in late 2000 and**  
 16:21:47 **24 probably got it installed in February, March of**

86

16:21:50 **1 2001. So it was probably like a three- or**  
 16:21:54 **2 four-month project. It seems to me I remember**  
 16:21:57 **3 some kind of a product rollout in February when**  
 16:22:00 **4 we made our first piece and landed our first**  
 16:22:03 **5 account. I think it was in February.**

16:22:06 **6 Q. Do you know what the reasons --**

16:22:08 **7 MS. ELLIOTT: I'm sorry, what year?**

16:22:10 **8 THE WITNESS: 2001.**

16:22:11 **9 Q. Do you know what the reasons were**  
 16:22:12 **10 for the layoffs from the Fitchburg plant in May**  
 16:22:15 **11 of 2001?**

16:22:20 **12 A. No. Other than, you know, head**  
 16:22:23 **13 count reduction.**

16:22:23 **14 Q. Well, that's what I mean.**

16:22:25 **15 A. Well, I can only assume that.**

16:22:27 **16 Q. So you weren't involved in that at**  
 16:22:29 **17 all?**

16:22:29 **18 A. No, not at all.**

16:22:30 **19 Q. What was your understanding as far**  
 16:22:37 **20 as that goes? In other words, why were they**  
 16:22:37 **21 trying to reduce head count?**

16:22:37 **22 A. Cost reduction.**

16:22:43 **23 Q. And at that time was there a -- had**  
 16:22:46 **24 there been a continuing decline in sales, to**

16:22:48 **1 your knowledge?**

16:22:51 **2 A. I think in 2001 because of the**

16:22:55 **3 acquisition, there should have been an uptake**  
 16:22:57 **4 in activity.**

16:22:58 **5 Q. What acquisition are you talking**  
 16:22:59 **6 about?**

16:22:59 **7 A. The Anderson products group.**

16:23:06 **8 Q. My question was, do you know one way**  
 16:23:09 **9 or another whether there was a decline in sales**  
 16:23:12 **10 in 2001?**

16:23:13 **11 A. I don't know.**

16:23:19 **12 MR. SIGEL: All right. I think I'm**  
 16:23:20 **13 done.**

16:23:21 **14 MS. ELLIOTT: Okay. I have several**  
 16:23:23 **15 questions.**

16:23:23 **16**

16:23:24 **17 EXAMINATION BY MS. ELLIOTT:**

16:23:27 **18 Q. Did you read the documents that Ilda**  
 16:23:32 **19 Thibodeau brought to the meeting between**  
 16:23:35 **20 yourself, Lou Alberghini, and Ms. Thibodeau on**  
 16:23:40 **21 January 7th, 2000?**

16:23:44 **22 A. No. No, I didn't. No.**

16:23:47 **23 Q. Did you know on that -- excuse me,**  
 16:23:51 **24 strike that. Do you know what the documents**

88

16:23:53 **1 were that she brought with her at all?**

16:23:58 **2 A. I know there was, you know,**  
 16:24:00 **3 documents relating to the severance policy.**  
 16:24:06 **4 Perhaps some other, you know, insurance, COBRA**  
 16:24:09 **5 related things.**

16:24:10 **6 Q. You're just guessing what she**  
 16:24:11 **7 brought with her?**

16:24:12 **8 A. Yeah.**

16:24:12 **9 Q. Okay. Let me direct your attention**  
 16:24:19 **10 to Exhibit 1 --**

16:24:22 **11 A. Uh-huh (affirmative response).**

16:24:22 **12 Q. -- of today's deposition. In the**  
 16:24:27 **13 second paragraph it says, "Appropriate**  
 16:24:32 **14 sign-offs were obtained." How do you know that**  
 16:24:36 **15 the sign-offs were appropriate if you never**  
 16:24:38 **16 read the documents?**

16:24:40 **17 MR. SIGEL: Objection.**

16:24:51 **18 A. It was poor choice of words. I mean**  
 16:25:03 **19 appropriate -- I don't know.**

16:25:04 **20 Q. Okay. Did you actually see**  
 16:25:08 **21 Mr. Alberghini sign some documents?**

16:25:12 **22 A. Again, it's, you know -- I guess at**  
 16:25:15 **23 that point in the proceedings I felt that I'd**  
 16:25:18 **24 kind of handed the proceedings over to Ilda. I**



16:41:07 1 **A. Yeah.**  
 16:41:08 2 MR. SIGEL: I'm going to object just  
 16:41:09 3 for the record to this whole line of  
 16:41:10 4 questioning because I don't see what it has to  
 16:41:11 5 do with Alberghini. And it certainly wasn't  
 16:41:12 6 within the scope of my direct. But that's just  
 16:41:13 7 for the record.  
 16:41:14 8 MS. ELLIOTT: I don't have to do my  
 16:41:15 9 examination scope of your direct examination.  
 16:41:16 10 This is a deposition and we're here to take  
 16:41:17 11 evidence.  
 16:41:18 12 Q. Concerning the group that was laid  
 16:41:19 13 off in May 2000, is that, you mentioned --  
 16:41:20 14 Barry and Lou, Bill, and Dave Mankelow -- do  
 16:41:21 15 you have any knowledge whatsoever regarding the  
 16:41:22 16 reasons why they were laid off? Not  
 16:41:23 17 assumptions, but did you have any knowledge?  
 16:41:24 18 **A. No.**  
 16:41:25 19 Q. With regard to the rehiring of Lou  
 16:41:26 20 Alberghini in January of 2000 --  
 16:41:27 21 (Interruption by a phone call and a  
 16:41:28 22 brief recess was taken.)  
 16:41:29 23 MS. ELLIOTT: Can you read back  
 16:41:30 24 my --

102

16:44:39 1 (The record was read as requested.)  
 16:44:40 2 Q. Do you have any knowledge, again not  
 16:44:41 3 assumptions, of who rehired him?  
 16:44:42 4 **A. Ray Edson, engineering manager.**  
 16:44:43 5 Q. Do you have any knowledge -- not  
 16:44:44 6 assumptions, personal knowledge -- of any  
 16:44:45 7 conversation with Ron Owens about the rehiring  
 16:44:46 8 of Lou Alberghini in January 2000?  
 16:44:47 9 **A. Yes. We discussed it.**  
 16:44:48 10 Q. Who is "We"?  
 16:44:49 11 **A. Myself and Ron Owens and Ray Edson.**  
 16:44:50 12 Q. So you are sure that you had a  
 16:44:51 13 conversation.  
 16:44:52 14 **A. (Witness indicated affirmatively.)**  
 16:44:53 15 Q. And what was that conversation?  
 16:44:54 16 **A. It was held -- it was held in my**  
 16:44:55 17 **office. Ray Edson, again, was the originator,**  
 16:44:56 18 **would have been the individual that needed to**  
 16:44:57 19 **fill a requisition to replace an engineer in**  
 16:44:58 20 **the engineering department.**  
 16:44:59 21 Q. And that was the conversation?  
 16:45:00 22 **A. Yeah.**  
 16:45:01 23 Q. Do you have any actual knowledge  
 16:45:02 24 about the amount of severance pay, if any, that

16:46:09 1 Lou Alberghini received in January of 2000?  
 16:46:10 2 **A. No.**  
 16:46:11 3 Q. Could a person who has an  
 16:46:12 4 engineering degree of any type with the  
 16:46:13 5 appropriate skills be just as advantageous as a  
 16:46:14 6 mechanical engineer if the job required  
 16:46:15 7 mechanical engineering functions?  
 16:46:16 8 MR. SIGEL: Objection.  
 16:46:17 9 Q. In other words, is a degree just as  
 16:46:18 10 advantageous as a person who has knowledge and  
 16:46:19 11 skills equal to that degree?  
 16:46:20 12 MR. SIGEL: Objection. Do you mean  
 16:46:21 13 hypothetically? Just I don't know --  
 16:46:22 14 MS. ELLIOTT: Right now it's  
 16:46:23 15 hypothetical, yes.  
 16:46:24 16 **A. Could you repeat the question**  
 16:46:25 17 **because I'm not sure if yes is a --**  
 16:46:26 18 Q. Okay. Let me rephrase the question  
 16:46:27 19 so you understand it. What I'm asking is, is a  
 16:46:28 20 person with a mechanical engineering degree on  
 16:46:29 21 equal footing with a person who has maybe not a  
 16:46:30 22 mechanical engineering degree but has a  
 16:46:31 23 different engineering discipline degree but has  
 16:46:32 24 skills and knowledge equal to mechanical

104

16:47:46 1 engineering functions?  
 16:47:47 2 **A. Yes.**  
 16:47:48 3 Q. And in your opinion from your job  
 16:47:49 4 knowledge of Mr. Alberghini's qualifications,  
 16:47:50 5 is he someone who has those skills,  
 16:47:51 6 qualifications, engineering degree albeit not a  
 16:47:52 7 mechanical engineering degree that is just as  
 16:47:53 8 advantageous as a mechanical engineering degree  
 16:47:54 9 person?  
 16:47:55 10 MR. SIGEL: Objection.  
 16:47:56 11 **A. Yes.**  
 16:47:57 12 Q. What was Lou Alberghini's title just  
 16:47:58 13 prior to the first layoff in January 2000?  
 16:47:59 14 **A. Maintenance manager.**  
 16:48:00 15 Q. And how do you know that?  
 16:48:01 16 **A. Not to be facetious, because he**  
 16:48:02 17 **managed the maintenance department.**  
 16:48:03 18 Q. Okay. Do you have any other --  
 16:48:04 19 you're certain that that was his --  
 16:48:05 20 **A. Exact title?**  
 16:48:06 21 **Q. -- title? Uh-huh (affirmative**  
 16:48:07 22 **response).**  
 16:48:08 23 **A. I'm sure it included the word**  
 16:48:09 24 **maintenance manager. It might have been**